

IN THE UNITED STATES PATENT AND TRADEMARKS OFFICE

In re Application of:
Bahram Asgharian

Serial No: 10/007,423

Confirmation No.: 3767

Filed: October 22, 2001

Examiner: NYA

Group Art Unit: 1744



1744 #3
03/25/02

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First-Class mail in an envelope addressed to: Box Patent Application Commissioner for Patents, Washington, D.C. 20231 on this date:	
Date:	February 20, 2002
Name:	Deborah A. Weinschenk
Signature:	<i>Deborah A. Weinschenk</i>

For: USE OF LOW MOLECULAR WEIGHT AMINO ALCOHOLS IN OPHTHALMIC COMPOSITIONS

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §1.56 AND §1.97 (b)(3)

Box Patent Application
Commissioner for Patents
Washington, D.C. 20231

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Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §1.56, Applicant directs the attention of the Examiner to the thirty-three (33) reference(s) listed on the attached Form PTO-1449.

Reference AT1 is a brochure of ANGUS Chemical Company identified as "TB69". The attached copy of the brochure bears a copyright date of 1999. However, an earlier edition of this brochure is referred to in U.S. Patent No. 5,422,073 at lines 23-31 of column 2. The '073 patent was issued on June 6, 1995, and is based on an application filed on June 17, 1993. It is therefore believed that an earlier version of the brochure was published at some point prior to June 17, 1993.

Reference AP1 is a European patent application corresponding to PCT Publication No. WO 98/20912 (i.e., Reference AO1). Both references were published after the priority date of the present application (i.e., December 13, 1996 and November 17, 1997), and therefore neither reference constitutes prior art relative to the present application under 35

U.S.C. §102(a) or §102(b). (The filing date of the PCT application corresponding to PCT Publication No. WO 98/20912 was November 12, 1997, but the PCT application was not published in the English language. Consequently, in accordance with 35 U.S.C. §102(e)(1), this reference is not available as a prior art reference as of the filing date of the PCT application.) Moreover, these references do not disclose the use of low molecular weight amino alcohols to enhance the antimicrobial activity of ophthalmic compositions.

So far as the undersigned attorney can determine, there is no U.S. patent corresponding to References AP1 and AO1. It is believed that U.S. Patent Application Serial No. 09/101,062 (filed on June 29, 1998) corresponds to these references. However, the File Information Unit of the USPTO has informed the undersigned attorney that Serial No. 09/101,062 is now abandoned.

Applicants respectfully request that the listed references be considered during prosecution of this application, and that the references appear among the References Cited on any patent issuing herefrom.

Respectfully submitted,

ALCON MANUFACTURING, LTD.

Date

2/20/02

By

Gregg C. Brown

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FORM PTO-1449 U.S. DEPT. OF COMMERCE Patent & Trademark Office		ATTY. DOCKET NO. 1409 US FA		SERIAL NO. 10/007,423 Confirmation No.: 3767	
LIST OF DOCUMENTS CITED BY APPLICANT (Use several sheets if necessary)		APPLICANT Asgharian, Bahram			
		FILING DATE October 22, 2001		GROUP 1744	

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 PATENT & TRADEMARK OFFICE

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 TC 1700

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
AA1	4,407,791	10/4/83	Stark				
AB1	4,525,346	6/25/85	Stark				
AC1	4,732,185	3/22/88	Cowle, et al.				
AD1	4,734,475	3/29/88	Goldenberg, et al.				
AE1	4,758,595	7/19/88	Ogunbiyi, et al.				
AF1	4,829,083	5/9/89	Doulakas				
AG1	4,904,359	2/27/90	Pancheri, et al.				
AH1	5,171,526	12/15/92	Wong, et al.				
AI1	5,260,021	11/9/93	Zelevnick				
AJ1	5,281,277	1/25/94	Nakagawa, et al.				
AK1	5,342,620	8/30/94	Chowhan				

FOREIGN PATENT DOCUMENTS							
DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION		
					YES	NO	
AL1	WO 92/11876	7/23/92	WIPO				
AM1	WO 94/19027	9/1/94	WIPO				
AN1	WO 96/02624	2/1/96	WIPO				
AO1	WO 96/03158 A1	2/8/96	WIPO				
AP1	WO 96/03973	2/15/96	WIPO				

OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)	
ARI	BASF, "Technical Data on Tetronic® Series Nonionic Surfactants", company brochure.
AS1	Merck Index 12 th Edition, "Tromethamine Monograph", page 1664, (1996)
AT1	ANGUS Chemical Company Technical Bulletin TB 69, "Tris Amino® Tris(Hydroxymethyl)Aminomethane", page 1-4, (1999)

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

FORM PTO-1449 U.S. DEPT. OF COMMERCE Patent & Trademark Office		ATTY. DOCKET NO. <div style="text-align: center; font-weight: bold;">1409 US FA</div>		SERIAL NO. <div style="text-align: center; font-weight: bold;">10/007,423</div>				
LIST OF DOCUMENTS CITED BY APPLICANT (Use several sheets if necessary)		Confirmation No. 3767						
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U.S. PATENT DOCUMENTS								
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
	AA2	5,356,555	10/18/94	Huth, et al.				
	AB2	5,393,491	2/28/95	Dassanayake, et al.				
	AC2	5,422,073	6/6/95	Mowrey-McKee, et al.				
	AD2	5,460,658	10/24/95	Nakagawa, et al.				
	AE2	5,505,953	4/9/96	Chowhan				
	AF2	5,573,726	11/12/96	Dassanayake, et al.				
	AG2	5,631,005	5/20/97	Dassanayake, et al.				
	AH2	5,958,387	9/28/99	Bara, et al.				
	AI2							
	AJ2							
	AK2							
FOREIGN PATENT DOCUMENTS								
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES NO	
	AL2	WO 98/20912	5/22/98	Japan				X
	AM2	EP 0 888 780 A1	1/7/99	Europe				
	AN2	2,098,472	12/18/93	Canada				
	AO2							
	AP2							
OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)								
	AR2	ANGUS Chemical Company Marketing Benchmarks AMB 51, "Tris Amino® (Tris Buffer) Applications in Eye-Care Pharmaceuticals", page 1-4, (2000)						
	AS2	Harper, et al.; "Simple Additives to Increase the Activity of Chlorhexidine Digluconate Against Urinary Pathogens", <i>Paraplegia</i> , vol. 21, pages 86-93, (1983)						
	AT2	Wooley, et al., "Action of Edta-Tris and Antimicrobial Agent Combinations on Selected Pathogenic Bacteria", <i>Veterinary Microbiology</i> , vol. 8, pages 271-280, (1983)						

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